

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:08-CV-403-FL

SMD SOFTWARE, INC. and SITELINK)
SOFTWARE, LLC,)
)
Plaintiffs,)
)
v.)
)
EMOVE, INC., et al.,)
)
Defendants.)

ORDER

This case comes before the court on the motion (D.E. 157) of plaintiffs SMD Software, Inc. and Sitelink Software, LLC (collectively "plaintiffs") to modify the Case Management Order (D.E. 14, amended at D.E. 20, 27, 52, 142) with respect to the production of expert reports. Plaintiffs filed a memorandum with exhibits in support of their motion. (D.E. 158). Defendants EMove, Inc. and U-Haul International, Inc. (collectively "defendants") filed a response in opposition. (D.E. 159). The motion was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A). To facilitate resolution of the instant motion, the court directed the parties to submit a joint status report (D.E. 161), which they have done (*see* D.E. 162).

The court finds that the status report shows good cause for extension of the deadlines for expert reports, but not of the length sought, particularly in light of the time available to the parties since the filing of the motion. IT IS THEREFORE ORDERED that the Case Management Order is AMENDED as follows:

1. Reports from experts are due from plaintiffs by 30 November 2011. Reports from experts are due from defendants 45 days after service of plaintiffs' experts' reports or 13 January 2012, whichever is earlier.

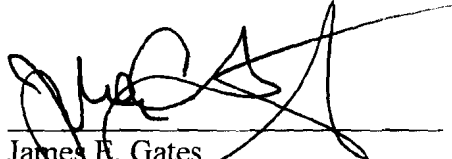
2. All expert discovery, including depositions of experts, shall be commenced in time to be completed by 3 February 2012.

3. All potentially dispositive motions shall be filed by 5 March 2012.

4. All other provisions in the existing Case Management Order remain in effect, including the 15 October 2011 deadline for completion of discovery not addressed herein.

5. No further extensions of deadlines in the Case Management Order will be allowed absent a showing of exceptional circumstances and due diligence in meeting the current deadlines.

SO ORDERED, this 27 day of October 2011.



James E. Gates
United States Magistrate Judge